

Mrs. Hansen's NAPE authorization for payroll deduction. It says effective 12-1-1987. "I hereby request and authorize you to deduct from my earnings an amount sufficient to provide for the regular payment of the current rate of monthly association fees established by NAPE. The amount shall be certified by NAPE and any change in such amount shall be so certified. The amount deducted shall be paid to the treasurer of NAPE." It says nothing, it says nothing there about revocability. One more thing I'd like to read you, and this is based on...this is from the Attorney General. "Based upon the materials which we have received in connection with your opinion request, we understand that the dues checkoff authorization from the particular employee does not contain any language dealing with revocability of the authorization." And I read that to you in her...in her contract with the union. It does not include any language for revocability. It simply authorizes the deduction of union dues. Consequently, it appears to us that the authorization in question is revocable, not withstanding Section 2.7 of the existing collecting...collective bargaining agreement. The department therefore has no authority to continue to withhold the union dues amounts for this specific employee involved. The department does not have that authority. This is the Attorney General's opinion. Now, Senator Lindsay and Senator Crosby, I assure you that Mrs. Hansen does know the union rules. She's very, very aware of those union rules. Her opinion is and her feeling is, and the Attorney General holds that that's true, that she resigned once, and that should have been effective. She didn't have to come back and do it again when windows appeared in the union contract. That was a whole new ball game. She had done her resignation, why should she try to do it again? She had asked for her dues to be withheld from the point of that resignation, and they were not. She's asking for us to refund \$785.98 to take care of that deficit. And as Senator Maurstad put it very succinctly, this claim had to come to the state before it went to court. And that's why it's here.

SPEAKER WITHEM: One minute.

SENATOR DIERKS: I'd like to ask for your approval of the amendment. Thank you.

SPEAKER WITHEM: The question before the body now then is the adoption of the Dierks amendment to LB 1391. All in favor vote aye, opposed vote nay. A record vote has been requested. Have